

APR 18 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JOSE ANTONIO DELGADO BERNAL,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-71473

Agency No. A96-360-107

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 13, 2006**

Before: SILVERMAN, McKEOWN, and PAEZ, Circuit Judges.

Jose Antonio Delgado Bernal, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' dismissal of his appeal of an immigration judge's pretermission of his application for cancellation of removal.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

We have jurisdiction pursuant to 8 U.S.C. § 1252. We deny the petition for review.

Substantial evidence supports the Board's determination that Delgado Bernal is ineligible for cancellation of removal due to the lack of a qualifying relative. *See Molina-Estrada v. INS*, 293 F.3d 1089, 1093-94 (9th Cir. 2002).

Delgado Bernal contends that the Nicaraguan Adjustment and Central American Relief Act of 1997, Pub. L. No. 105-100, 111 Stat. 2160 (1997), violates equal protection because it provides more lenient treatment under special-rule cancellation of removal for individuals from certain countries, but not those from Mexico. We have held that Congress had a rational reason for providing special-rule cancellation for aliens from only certain countries. *See Jimenez-Angeles v. Ashcroft*, 291 F.3d 594, 602-03 (9th Cir. 2002); *Hernandez-Mezquita v. Ashcroft*, 293 F.3d 1161, 1164 (9th Cir. 2002). Accordingly, Delgado Bernal's contention is without merit.

PETITION FOR REVIEW DENIED.